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Compilation on Indonesia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1,2]

2. The Human Rights Committee and the Committee on the Rights of the Child recommended that Indonesia consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights.[3] The Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child encouraged Indonesia to consider ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.[4] The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child encouraged Indonesia to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women,[5] and to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.[6] The Committee on the Rights of the Child recommended that Indonesia ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman

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or Degrading Treatment or Punishment and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.[7]

3. The Committee on the Rights of the Child urged Indonesia to accede to the Convention relating to the Status of Refugees and its 1967 Protocol.[8] That Committee and the Committee on the Elimination of Discrimination against Women recommended that Indonesia accede to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.[9]

4. The Committee on the Elimination of Discrimination against Women urged Indonesia to consider ratifying the Rome Statute of the International Criminal Court.[10]

5. The Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child recommended that Indonesia ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[11] The Committee on Economic, Social and Cultural Rights recommended that Indonesia ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169).[12]

6. In 2013, the Committee on the Elimination of Racial Discrimination sent a letter to Indonesia under its early warning and urgent action procedure reiterating its concern regarding the situation of the Malind and other indigenous peoples in Papua and the alleged ongoing negative effects on their livelihoods of the reportedly massive and non-consensual alienation of their traditional lands by the Marueke Integrated Food and Energy Estate Project.[13] In 2015, it sent another letter concerning a permit that had been granted for sugar cane plantations on nearly 50 per cent of the Aru indigenous peoples' ancestral territory, without any prior consultation with them. It noted with concern that Indonesia had not yet responded to any of its previous letters.[14]

7. Indonesia made financial contributions to the Office of the United Nations High Commissioner for Human Rights in 2012, 2014 and 2016.[15]

III. National human rights framework[16]

8. The Human Rights Committee was concerned at the inordinate delay in enactment of the bill on the Criminal Code. It recommended that Indonesia expedite the enactment and ensure that the Code included a definition of torture that covered all the elements contained in article 1 of the Convention against Torture.[17]

9. The same Committee recommended that Indonesia address concerns about the National Commission on Human Rights (Komnas HAM), including the tenure of its members, and provide it with adequate resources in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[18]

10. The Committee on Economic, Social and Cultural Rights recommended that Indonesia grant the National Commission on Violence against Women independence in the administration of its resources.[19] The Committee on the Elimination of Discrimination against Women recommended that Indonesia consider developing a national gender policy and that it provide the Commission with adequate resources.[20]

11. The Committee on the Rights of the Child recommended that Indonesia strengthen the mandate of the Child Protection Commission by providing it with the capacity to investigate and address complaints by children.[21]

12. The Human Rights Committee and the Committee on the Elimination of Discrimination against Women welcomed the adoption of a national plan of action on

human rights (2011-2014).[22] The United Nations country team in Indonesia commended the Government for its efforts to reflect a number of the targets and indicators of the Sustainable Development Goals in the 2015-2019 Medium-Term Strategic Plan.[23]

13. The Committee on Economic, Social and Cultural Rights recommended that Indonesia raise awareness of the justiciability of economic, social and cultural rights, including through awareness-raising campaigns and the inclusion of human rights in school curricula at all levels.[24]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[25]

14. The country team noted that in a number of provinces and districts, local laws discriminated against women and marginalized groups such as sexual and gender minorities, sex workers, drug users and persons living with HIV/AIDS.[26]

15. The Committee on the Elimination of Discrimination against Women reiterated its concern that there was no clear definition of discrimination based on article 1 of the Convention on the Elimination of All Forms of Discrimination against Women in the Constitution or other legislation.[27] It was also concerned about the delay in adopting the draft law on gender equality.[28]

16. The Committee on Economic, Social and Cultural Rights called on Indonesia to adopt a comprehensive framework law prohibiting discrimination that included indirect discrimination on all grounds, provided for the application of special measures to achieve equality, when necessary, and provided for penalties in the case of violation of the law, and accessible remedies for victims.[29]

17. The Committee on the Elimination of Discrimination against Women was deeply concerned about severely discriminatory by-laws, including those in Aceh, that restricted women's rights in the conduct of their daily life, imposed dress codes, restricted freedom of movement and severely penalized allegedly immoral relationships.[30] The Committee on Economic, Social and Cultural Rights noted with concern that laws and by-laws were in force that discriminated against women, marginalized individuals and groups such as sex workers, and lesbian, gay, bisexual and transgender persons.[31]

18. The Committee on the Elimination of Discrimination against Women recommended that Indonesia amend all discriminatory by-laws and increase support for law reform through partnerships with Islamic jurisprudence research organizations and other organizations.[32]

2. Development, the environment, and business and human rights[33]

19. The Committee on Economic, Social and Cultural Rights expressed concern that corruption permeated the administration at all levels.[34]

20. The same Committee expressed concern at violations of human rights in the mining and plantations sectors, that the free, prior and informed consent of affected communities was not always sought for such projects, and at the lack of adequate monitoring of the human rights and environmental impact of extractive projects during their implementation.

It called on Indonesia to ensure that the tangible benefits of such projects and the distribution of those benefits were not regulated solely by voluntary corporate social responsibility policies, but were defined in licence agreements.[57]

B. Civil and political rights

1. Right to life, liberty and security of person[58]

21. The Human Rights Committee regretted that Indonesia had resumed executions and that the courts imposed death sentences for drug crimes. It recommended that Indonesia ensure that if the death penalty was maintained, it was for the most serious crimes only, and that it consider commuting all death sentences imposed for drug crimes.[59]

22. The United Nations Special Rapporteurs on extrajudicial, summary or arbitrary executions, on torture and other cruel, inhuman or degrading treatment or punishment, and on the independence of judges and lawyers urged the Government to halt executions of people convicted of drug-related offences and retry them in accordance with international standards.[60]

23. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had recorded the killing of two journalists since 2008.[61] The Human Rights Committee was concerned at increased reports of excessive use of force and extrajudicial killings by the police and the military during protests, particularly in West Papua, Bima and West Nusa Tenggara.[62]

24. The same Committee regretted the use of corporal punishment in the penal system, particularly in Aceh, where the Acehnese criminal law provided for penalties such as flogging.[63]

25. The Committee was concerned at reports of overcrowding and deaths of prisoners relating to poor sanitation and lack of adequate health care. It recommended that Indonesia expedite its efforts to reduce overcrowding in places of detention, including by resorting to alternatives to imprisonment, and improve conditions of detention, particularly with regard to medical care.[64]

26. The Committee on the Elimination of Discrimination against Women was deeply concerned about reports of sexual abuse of women in police detention, the absence of provisions in the Criminal Procedure Code providing women in custody with protection and the difficulties they faced in lodging complaints about police misconduct.[65] The Committee on the Rights of the Child was deeply concerned about the many cases of violence against children in detention and at all trial phases.[66]

27. The Human Rights Committee was concerned that no oversight body was allowed to conduct unannounced visits to places of deprivation of liberty.[67]

28. The same Committee was concerned at the increasing number of reports that the *gijzeling* system, whereby individuals were detained purely for failing to pay a civil debt to their creditors, was abused by police officers.[68]

29. The Committee on the Elimination of Discrimination against Women was deeply concerned that sexual violence, especially rape, had reportedly been a recurring form of violence against women during conflict, and about the lack of progress in providing women victims of sexual violence with justice, truth, reparation and rehabilitation.[69]

30. While taking note of the decision of the Ministry of Health in 2014 to revoke Regulation No. 1636 of 2010 on female circumcision, the Committee on the Rights of the Child remained concerned about the large number of girls who had been victims of female genital mutilation.[70]

31. The same Committee reiterated its recommendation that Indonesia amend its current legislation to prohibit corporal punishment everywhere, including in the family, schools and childcare settings.[49]

2. Administration of justice, including impunity, and the rule of law[50]

32. The Human Rights Committee recommended eradicating corruption in the administration of justice, including in the provision of legal aid.[51]

33. The country team expressed concern that the lack of clear procedures and accountability, as well as the low level of representation of women and minority groups, could have a negative effect on the fairness and effectiveness of customary justice.[52]

34. The Committee on the Elimination of Discrimination against Women recommended that Indonesia provide training to judges, including those in religious courts, prosecutors and lawyers so that a legal culture supportive of women's equality with men and non-discrimination on the basis of sex was firmly established.[53]

35. The Human Rights Committee encouraged Indonesia to revise the Criminal Procedure Code to provide that anyone arrested or detained on a criminal charge was brought before a judge within 48 hours.[54]

36. The Committee on the Elimination of Discrimination against Women was concerned about the delay in finalizing and adopting the draft law establishing a national truth and reconciliation commission.[55]

37. The Human Rights Committee regretted the impasse between the Attorney General and Komnas HAM with regard to the threshold of evidence that the latter should satisfy before the Attorney General could take action.[56] The Committee on Economic, Social and Cultural Rights was concerned that, without the obligation of public bodies to respond to cases submitted by Komnas HAM, the complaints mechanism was ineffective in providing non-judicial redress to victims of human rights violations.[57]

38. The Human Rights Committee recommended that Indonesia expedite the establishment of a court to investigate cases of enforced disappearance committed between 1997 and 1998, as recommended by Komnas HAM and the parliament.[58]

39. The Committee on the Rights of the Child welcomed the adoption of Law No. 11/2012 on the juvenile justice system, which raised the minimum age of criminal responsibility and prioritized the use of restorative justice.[59] However, it noted with concern that the minimum age of criminal responsibility remained very low at 12 years of age and recommended that Indonesia consider raising it to at least 14.[60]

40. The same Committee was concerned at the large number of children sentenced to jail even for petty crimes, and that they were often detained with adults in poor conditions.[61]

3. Fundamental freedoms and the right to participate in public and political life[62]

41. The Human Rights Committee regretted that Law No. 1/1965 on defamation of religion and other laws unduly restricted freedom of religion and expression of religious minorities such as the Ahmadiyya.[63]

42. The Committee on the Rights of the Child was deeply concerned that children were obliged to attend religious instruction in school in one of the six religions listed in Law No. 1/1965 and urged Indonesia to amend its legislation.[64] The Human Rights Committee recommended that Indonesia reform the education curricula to promote religious diversity and ensure that the preferences of both believers and non-believers were accommodated.[65]

43. The Committee on the Rights of the Child was deeply concerned about the use of regulations against blasphemy and proselytizing to prosecute persons belonging to religious minorities, and about the draft law on religious harmony, which risked increasing discrimination.[66]

44. The Human Rights Committee was concerned at reports suggesting failure on the part of State authorities to protect victims of violent attacks motivated by religious hatred, and about the lenient penalties imposed on the perpetrators of such attacks.[67]

45. The Committee on the Rights of the Child, deeply concerned that non-Muslims were explicitly required to follow sharia law in Aceh, urged Indonesia to ensure that non-Muslims were exclusively governed by secular law.[68]

46. The Human Rights Committee was concerned at the application of the defamation provisions of the Criminal Code and Law No. 11/2008 on information and electronic transactions to stifle legitimate criticism of State officials.[69]

47. The same Committee was particularly concerned at reports that Indonesia used its security apparatus to punish political dissidents and human rights defenders.[70]

48. The Committee remained concerned at undue restrictions on the freedom of assembly and expression of protesters in West Papua.[71]

49. The Committee expressed concern over the law on mass organizations, which introduced undue restrictions on both domestic and "foreign" associations, particularly the onerous requirements for registration and the vague and overly restrictive requirements that such associations be in line with the State's official philosophy of *Pancasila*.[72]

50. The Committee recommended that Indonesia strengthen its efforts to increase women's participation in political and public affairs and in the private sector.[73]

4. Prohibition of all forms of slavery[74]

51. The Committee on the Rights of the Child was very concerned about the high prevalence of trafficking within Indonesia and the large number of underage children involved in sex work.[75] It urged Indonesia to improve and extend the Anti-Trafficking in Persons Task Force to cover every part of the country and to amend its legislation to ensure that child trafficking in all its forms was comprehensively defined and criminalized.[76] The Committee on the Elimination of Discrimination against Women called upon Indonesia to take a comprehensive approach to addressing the question of prostitution, including by establishing exit programmes, and to ensure that underage girls were offered the support they needed for rehabilitation and reintegration into society.[77]

52. The Committee on Economic, Social and Cultural Rights was concerned that child marriage was still practised and urged Indonesia to prevent child marriages in law and in practice.[78] The Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women raised similar concerns and made similar recommendations.[79]

5. Right to privacy and family life

53. In the light of the Constitutional Court decision giving children born out of wedlock the right to inherit, the Human Rights Committee urged Indonesia to bring the law on marriage and other relevant legislation in line with that decision and the International Covenant on Civil and Political Rights.[80]

54. The Committee on the Elimination of Discrimination against Women was concerned about the delay in withdrawing discriminatory provisions from the Marriage Act of 1974,

including those that authorized polygamy and set the legal age for marriage of girls at 16 and boys at 19.[81]

55. The same Committee was concerned that Muslim women could not marry and divorce under the civil law, as they were governed by sharia law only.[82]

56. The Committee on the Rights of the Child noted with concern that decisions regarding adoption and custody were often taken on the basis of children's religion, rather than their best interests, and that, according to sharia law applicable to Muslims, in divorce proceedings, decisions relating to child custody were based on their age.[83]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[84]

57. The Committee on Economic, Social and Cultural Rights was concerned about the considerable gender pay gap resulting from the concentration of women in lower-paying employment sectors and their underrepresentation in high-level positions in the public and private sectors. It recommended that Indonesia address obstacles to women's career advancement, such as sexual harassment in the workplace and traditional gender role stereotypes.[85]

58. The same Committee was concerned about the lack of just and favourable working conditions for the two thirds of the workforce employed in the informal economy. It recommended that Indonesia adopt a long-term strategy that addressed the regulatory obstacles to the creation of companies and employment in the formal economy, facilitated the regularization of workers employed in the informal economy and expanded the scope of application of the 2003 Manpower Law and labour inspection to the informal economy.[86]

59. The Committee on the Elimination of Discrimination against Women was deeply concerned about the exclusion of domestic workers, a high proportion of whom were women, from the protections afforded by the Manpower Act.[87] The Committee on Economic, Social and Cultural Rights called on Indonesia to expedite the adoption of the draft law on domestic workers and to ensure that it provided for the same working conditions as the Manpower Law and included additional protection in relation to specific conditions, such as residence with the employer, which rendered domestic workers vulnerable to forced labour, violence and sexual harassment.[88] It was concerned at continuing reports of exploitation and abuse of Indonesian nationals employed as domestic workers abroad.[89]

60. The same Committee called on Indonesia to recognize in law the right to strike of civil servants not performing essential services, and their right to organize.[90] Concerned at reports of repression of trade union activities, including by the authorities, it recommended that Indonesia develop the capacity of law enforcement and labour inspection to investigate allegations of repression of union activities, so that they were not construed as a form of defamation of employers.[91]

2. Right to social security

61. The same Committee was concerned that the minimum essential levels of economic, social and cultural rights were not guaranteed in remote islands and areas in Papua, primarily due to the unavailability and poor quality of public services, including in education and health.[92]

62. It recommended that Indonesia consider establishing a social protection floor and pursue its efforts to establish an unemployment insurance scheme.[93]

3. Right to an adequate standard of living[94]

63. The same Committee was concerned about the significant increase in staple food prices in Indonesia, which aggravated malnutrition.[95]

64. It was also concerned that, in rural areas, approximately one quarter of the population did not have access to safe drinking water, and that open defecation was still widely practised.[96]

65. It was further concerned at reports of forced evictions without adequate reparation and alternative housing, including in the context of development projects, and that legislation permitted evictions even if tenants were left homeless.[97]

66. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, recommended that the Government consider adopting a National Housing Strategy that: (a) focused on the needs of those facing difficulties in accessing adequate housing through market mechanisms and promoted a variety of tenure forms, including private and social rental, as well as homeownership; (b) was designed, implemented and monitored ensuring meaningful and ongoing participation of the population, as well as in housing and land policies and programmes, both at the national and local levels, including budget allocation and spatial planning; (c) offered the opportunity for the Government to renew its commitment to allocate adequate funds to a national comprehensive slum upgrading policy that should include informal settlements on land not intended for habitation; and (d) included maintenance programmes to be implemented nationwide in all *Rusunawa* (apartments at a subsidized low rent) complexes.[98]

67. She also recommended that the Government: (a) bring its national and municipal legislation and regulations regarding forced evictions, land acquisition and land concessions in line with international human rights law and standards; (b) review and repeal national and regional laws, policies and practices that perpetuated discrimination by State and non-State entities in access to adequate housing of marginalized groups such as women, lesbian, gay, bisexual and transgender people, internal migrants and religious minorities; and (c) ensure that victims of domestic violence across the country had access to shelters that were easily accessible, with priority given to female heads of households and victims of domestic violence.[99]

68. She recommended that the Government ensure security of tenure in terms of legal recognition of possession, communal land rights and forest land ownership and to that end, revise the land regime so as to resolve ambiguities between customary (*adat*) and formal land laws.[100]

4. Right to health[101]

69. While welcoming the introduction of universal health coverage, the Committee on Economic, Social and Cultural Rights was concerned that the health-care system was unable to meet the subsequent demand for health services.[102] The Committee on the Rights of the Child was concerned that total health expenditure in 2011 had been only 2.7 per cent of gross domestic product.[103]

70. The country team noted that, while there had been progressive improvement in the coverage of reproductive, maternal, newborn, child and adolescent health services, there was evidence that potentially life-saving interventions were often of insufficient quality.[104] The Committee on the Elimination of Discrimination against Women was concerned about the persistently high rate of maternal mortality.[105] The Committee on the Rights of the Child was very concerned about the still high percentage of neonatal, infant and under-5

mortality, particularly as a result of diarrhoea and pneumonia, and the large number of children below the age of 5 who were suffering from stunting and underweight.[106]

71. The same Committee was concerned about the absence of specific public health regulations on preventive health issues such as immunization, and the unsatisfactory implementation of the immunization programme.[107]

72. The Committee on Economic, Social and Cultural Rights was concerned that mental health services were available only in a few medical institutions in large cities. It called on Indonesia to adopt a national mental health policy aimed at making mental health services available and accessible.[108]

73. The Committee on the Elimination of Discrimination against Women called upon Indonesia to extend the time limit for undergoing an abortion and decriminalize abortion in cases of incest and where the health of the pregnant woman or girl was in danger, authorize women to undertake abortion without their husband's consent and provide safe abortion and post-abortion services.[109]

74. The country team noted that health-care providers, particularly at government health-care centres, did not provide sexual and reproductive health services, including contraception and family planning, to unmarried people.[110] The Committee on the Elimination of Discrimination against Women called upon Indonesia to ensure that women could access contraception without requesting their husband's consent.[111] The Committee on Economic, Social and Cultural Rights called on Indonesia to ensure access to sexual and reproductive health services for unmarried women and teenagers, as well as married women without the consent of spouses.[112]

75. The Committee on the Elimination of Discrimination against Women was concerned about the sharp rise in the prevalence of HIV/AIDS.[113] The Committee on Economic, Social and Cultural Rights urged Indonesia to ensure that HIV prevention and treatment were included in the minimum package provided by the primary health-care system.[114]

5. Right to education[115]

76. The Committee on the Elimination of Discrimination against Women welcomed the fact that 20 per cent of the national budget was allocated to education and that Indonesia was on track to achieve the Millennium Development Goal targets for primary education and literacy.[116] The Committee on the Rights of the Child regretted that the budget was insufficient to ensure education for all children,[117] and was very concerned about the large number of children of compulsory school age who were out of school, particularly in Java.[118]

77. The Committee on Economic, Social and Cultural Rights was concerned that the lack of education services or their poor quality in some areas left Indonesia with a large number of illiterate persons. It was also concerned that the deployment of less qualified teachers to remote areas perpetuated the discriminatory situation.[119]

78. UNESCO recommended that Indonesia pursue efforts to ensure universal, compulsory, free high-quality education, particularly for those pertaining to minority groups and children with disabilities, reduce the financial barriers to accessing education and ensure access based on capacity in vocational and higher education.[120] The Committee on the Rights of the Child urged Indonesia to ensure that education was available to all asylum-seeking and refugee children, children of migrant workers and children who did not have a birth certificate.[121]

79. The Committee on the Elimination of Discrimination against Women remained concerned about the dropout rate among girls owing to farming work and early pregnancy,

about the difficulties girls faced in accessing quality education in poor and rural areas, and girls working in domestic service.[122]

80. The Committee on the Rights of the Child was concerned at the high occurrence of violence in schools, including on the part of teachers. It urged Indonesia to develop school-specific action plans and regular school inspections aimed at putting an end to corporal punishment and other forms of violence in school, including bullying.[123]

81. The Committee on Economic, Social and Cultural Rights recommended that the process of privatization of higher education be accompanied by measures to ensure that it remained equally accessible to all, on the basis of capacity.[124]

82. The same Committee was concerned that a number of languages in Indonesia were at risk of disappearance. It recommended that Indonesia invest in the effective implementation of Ministry of Education and Culture Regulation No. 81/A of 2013 on the inclusion of the teaching of local languages in the primary school curricula.[125]

D. Rights of specific persons or groups

1. Women[126]

83. The Committee on the Elimination of Discrimination against Women remained deeply concerned at the persistence of adverse cultural norms and deep-rooted stereotypes regarding the roles, responsibilities and identities of women and men, which contributed to the persistence of violence against women and practices harmful to women and girls, such as female circumcision, early marriage, arranged marriage and polygamy.[127]

84. The same Committee remained concerned about the limited number of cases of rape and sexual assault brought to court; the lenient punishments meted out to those convicted of offences related to violence against women;[128] and practices such as the mediation of the police in rape cases, the payment of a fine as the settlement of the case, the practice of marrying the victim to the rapist and the stigmatization of victims of rape.[129] The Committee on the Rights of the Child was deeply concerned about girls being frequently subjected to violence, noting that women and girls were referred to alternative dispute-resolution mechanisms, in particular religious courts, which frequently discriminated against them.[130]

85. The Committee on Economic, Social and Cultural Rights called on Indonesia to strengthen its legislation on violence against women, including by penalizing all forms of sexual violence.[131] The Committee on the Elimination of Discrimination against Women recommended that Indonesia consider amending the Criminal Code and Law No. 23/2004 on domestic violence, defining and criminalizing marital rape.[132]

86. The country team noted that several provisions of Law No. 1/1974 on marriage discriminated against women and girls. For example, it authorized polygamy, contained different inheritance rules for sons and daughters, failed to protect women who entered into an interreligious marriage and restricted Muslim women to marrying or divorcing under civil law.[133]

87. The country team recommended that Indonesia amend all discriminatory by-laws adopted in the Aceh Province that restricted women's rights in the conduct of their daily life, including social and public life, imposed a dress code and impeded freedom of movement, and review penal sanctions against allegedly immoral relationships.[134]

88. The country team also noted that women living with HIV faced several issues, including sexual violence, economic discrimination and forced or coerced sterilization.[135]

2. Children[136]

89. The Committee on the Rights of the Child was deeply concerned about the large number of children exposed to hazardous conditions or the worst forms of child labour, and in domestic or sex work; about the absence of provisions on forced labour and of laws regulating the work of children aged between 16 and 18; and that the implementation of the National Plan of Action for the Elimination of the Worst Forms of Child Labour was hampered by a general perception of work as being part of the education process and of the child as being a "family asset", as well as coordination difficulties following the introduction of regional autonomy.[137] The country team stated that, although progress had been made to reduce child labour, more could be done in that regard, especially for children engaged in hazardous work, mainly in agriculture.[138]

90. The Committee on the Rights of the Child was concerned about the significant number of children working and living in the streets, and about the prevailing legal approach advocated in local regulations that treated children in street situations as criminals instead of victims, and the severe violence to which they were subjected by law enforcement agents, especially during sweep operations.[139]

91. The Committee reiterated its recommendation that Indonesia develop, in collaboration with non-governmental organizations and international organizations, a system of psychosocial support for children affected by armed conflict, which ensured their privacy.[140]

3. Persons with disabilities[141]

92. The Committee on Economic, Social and Cultural Rights called on Indonesia to bring Law No. 4/1997 in line with international human rights standards and define the denial of reasonable accommodation as a form of discrimination, and amend all legislative provisions that discriminated against persons with disabilities.[142]

93. The country team noted that National Education Ministerial Decree No. 70 (2009) on inclusive education was under review with a view to addressing the persistent discrimination faced by persons with disabilities and providing better mechanisms for schools to accommodate children with disabilities.[143]

94. The Committee on the Rights of the Child welcomed the National Plan of Action on Disabilities 2013-2022, but was concerned about the situation of children, particularly girls, with disabilities, who faced multiple forms of discrimination, including regarding their right to education and health care; and about the many children with disabilities who were hidden or placed in institutions because of social stigma or the economic cost of raising them.[144]

95. The country team highlighted the need to gather data on reproductive health, violence and sexual harassment specifically with regard to women with disabilities.[145]

4. Minorities and indigenous peoples[146]

96. The Human Rights Committee was concerned at reports that other religious minorities, such as Shia and Christians, were subjected to violence by other religious groups and law enforcement personnel. [147] The Committee on the Elimination of Discrimination against Women urged Indonesia to implement effective measures to eliminate discrimination, sexual violence and intimidation against women belonging to religious minorities, such as Ahmaddiyah, Christians, Buddhists and Baha'is, and indigenous women, and ensure access to land and natural resources for indigenous women.[148]

97. The Committee on Economic, Social and Cultural Rights urged Indonesia to expedite the adoption of the draft law on the rights of *Masyarakat Hukum Adat* (customary law communities). The law should define *Masyarakat Hukum Adat* and provide for the principle of self-identification, including the possibility to self-identify as indigenous peoples; effectively guarantee their inalienable right to own, develop, control and use their customary lands and resources; and define strong mechanisms for ensuring respect of their free, prior and informed consent on decisions affecting them and their resources, and adequate compensation and effective remedies in case of violation. The Committee also recommended harmonizing existing laws with that new law.[149]

98. The same Committee was concerned about provisions in Law No. 18/2013 on prevention and eradication of forest destruction and other laws that contravened the Constitutional Court decision on the right of ownership of customary forests by *Masyarakat Hukum Adat*. It was also concerned that, while Indonesia had granted concessions on forested land to develop palm oil plantations, members of *Masyarakat Hukum Adat* had reportedly been arrested on the basis of Law No. 18/2013.[150]

99. The Committee on the Rights of the Child was concerned about the situation of children belonging to indigenous communities, in particular Papuans, who were subjected to poverty, militarization, extraction of natural resources on their lands, and poor access to education and health care.[151]

5. Migrants, refugees, asylum seekers and internally displaced persons[152]

100. The Office of the United Nations High Commissioner for Refugees (UNHCR) noted that the absence of a comprehensive national legal framework for refugee protection limited refugees' enjoyment of basic rights, such as freedom of movement, education, health care and access to birth certificates as a measure to prevent statelessness.[153]

101. The United Nations High Commissioner for Human Rights expressed alarm that Indonesia, along with two neighbouring countries, had been pushing boats full of vulnerable migrants back out to sea, which would inevitably lead to many avoidable deaths. He emphasized that the focus should be on saving lives, not further endangering them.[154]

102. The country team stated that the immigration authorities continued to arbitrarily detain refugees and asylum seekers, including children and women, in poor conditions in overcrowded detention facilities.[155]

103. UNHCR recommended that the Government promote initiatives aimed at raising host communities' awareness of the rights of refugees, asylum seekers and unaccompanied and separated children belonging to religious minorities, and ensure that alternatives to detention were available in law and in practice.[156]

104. The Committee on the Elimination of Discrimination against Women was concerned about reports that many women and children remained internally displaced, including a large number of people displaced by renewed intercommunal violence in Maluku and East Java Provinces and by operations targeting rebels of the Free Papua Movement in Papua Province.[157]

6. Stateless persons

105. The country team emphasized that, with an estimated 40 million children without birth certificates, efforts were needed to reduce barriers to birth registration, including simplifying procedures, reducing documentary requirements, disconnecting birth registration from marriage registration and removing fines for late registration.[158] UNHCR recommended that the Government implement universal birth registration for all children

born in the country, including refugees, asylum seekers and migrants, as a measure to prevent statelessness.[150]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Indonesia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/IDSession27.aspx.
[2] For relevant recommendations, see A/HRC/21/7, paras. 108.1-108.9, 108.11-108.17, 108.20-108.25, 108.51-108.58, 109.1, 109.4, 109.6, 109.8-109.16.
[3] See CCPR/C/IDN/CO/1, para. 5, and CRC/C/IDN/CO/3-4, para. 79.
[4] See E/C.12/IDN/CO/1, para. 41, and CRC/C/IDN/CO/3-4, para. 79.
[5] See CEDAW/C/IDN/CO/6-7, para. 49, and CRC/C/IDN/CO/3-4, para. 79. See also CEDAW/C/IDN/CO/6-7, para. 7.
[6] See CEDAW/C/IDN/CO/6-7, para. 51, and CRC/C/IDN/CO/3-4, para. 79.
[7] See CRC/C/IDN/CO/3-4, para. 79.
[8] Ibid., para. 66 (c).
[9] See CEDAW/C/IDN/CO/6-7, para. 34 (c), and CRC/C/IDN/CO/3-4, para. 28.
[10] See CEDAW/C/IDN/CO/6-7, para. 28 (g).
[11] See E/C.12/IDN/CO/1, para. 17, CEDAW/C/IDN/CO/6-7, para. 38 (f), and CRC/C/IDN/CO/3-4, para. 72 (g).
[12] See E/C.12/IDN/CO/1, para. 38.
[13] See letter dated 30 August 2013 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Representative of Indonesia to the United Nations Office and other international organizations in Geneva. Available from http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IDN/INT_CERD_ALE_IDN_7098_E.pdf.
[14] See letter dated 28 August 2015 from the Committee on the Elimination of Racial Discrimination addressed to the Permanent Representative of Indonesia to the United Nations Office and other international organizations in Geneva. Available from www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Indonesia28092015.pdf.
[15] OHCHR, "Funding", in *OHCHR Report 2012*, p. 121; "Funding", in *OHCHR Report 2014*, p. 67; and *OHCHR Report 2016* (forthcoming).
[16] For relevant recommendations, see A/HRC/21/7, paras. 108.18, 108.30-108.35, 108.37-108.40, 108.42-108.50, 108.61, 108.84-108.87 and 109.20.
[17] See CCPR/C/IDN/CO/1, para. 14.
[18] Ibid., para. 7. See also CEDAW/C/IDN/CO/6-7, para. 19 (d).
[19] See E/C.12/IDN/CO/1, para. 8.
[20] See CEDAW/C/IDN/CO/6-7, para. 20 (c)-(d).
[21] See CRC/C/IDN/CO/3-4, para. 18.
[22] See CCPR/C/IDN/CO/1, para. 3 (a), and CEDAW/C/IDN/CO/6-7, para. 25.
[23] United Nations country team submission for the universal periodic review of Indonesia, p. 1.
[24] See E/C.12/IDN/CO/1, para. 5.
[25] For relevant recommendations, see A/HRC/21/7, paras. 108.68 and 109.20.
[26] Country team submission, p. 2.
[27] See CEDAW/C/IDN/CO/6-7, para. 13.
[28] Ibid., paras. 19 and 20 (e).
[29] See E/C.12/IDN/CO/1, para. 10.
[30] See CEDAW/C/IDN/CO/6-7, para. 17. See also CCPR/C/IDN/CO/1, para. 6, and CEDAW/C/IDN/CO/6-7, para. 47 (f).
[31] See E/C.12/IDN/CO/1, para. 6.
[32] See CEDAW/C/IDN/CO/6-7, para. 18. See also CEDAW/C/IDN/CO/6-7, para. 48 (c).
[33] For relevant recommendations, see A/HRC/21/7, paras. 108.141-108.144.
[34] See E/C.12/IDN/CO/1, para. 9.
[35] Ibid., paras. 27-28.
[36] For relevant recommendations, see A/HRC/21/7, paras. 108.26-108.29, 108.69-108.71, 109.21-109.23, 109.33 and 109.35.

[57] See CCPR/C/IDN/CO/1, para. 10.
[58] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20308&LangID=E. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20305&LangID=E.
[59] See UNESCO submission for the universal periodic review of Indonesia, para. 95.
[60] See CCPR/C/IDN/CO/1, para. 16.
[61] Ibid., para. 15.
[62] Ibid., para. 21. See also CEDAW/C/IDN/CO/6-7, para. 46 (c).
[63] See CEDAW/C/IDN/CO/6-7, paras. 45 (c) and 46 (c).
[64] See CRC/C/IDN/CO/3-4, para. 37 (a).
[65] See CCPR/C/IDN/CO/1, para. 20.
[66] Ibid., para. 22.
[67] See CEDAW/C/IDN/CO/6-7, para. 27.
[68] See CRC/C/IDN/CO/3-4, para. 33.
[69] Ibid., para. 8 (c).
[70] For relevant recommendations, see A/HRC/21/7, paras. 108.12, 108.88-108.91, 108.94-108.96, 108.119, 109.3, 109.5, 109.24-109.25 and 109.29.
[71] See CCPR/C/IDN/CO/1, para. 23. See also E/C.12/IDN/CO/1, para. 9.
[72] Country team submission, p. 6.
[73] See CEDAW/C/IDN/CO/6-7, para. 12 (b).
[74] See CCPR/C/IDN/CO/1, para. 19.
[75] See CEDAW/C/IDN/CO/6-7, para. 27.
[76] See CCPR/C/IDN/CO/1, para. 8.
[77] See E/C.12/IDN/CO/1, para. 7.
[78] See CCPR/C/IDN/CO/1, para. 8.
[79] See CRC/C/IDN/CO/3-4, para. 77. See also para. 3 (b), and CCPR/C/IDN/CO/1, para. 3 (b).
[80] See CRC/C/IDN/CO/3-4, paras. 77-78 (a).
[81] Ibid., para. 77.
[82] For relevant recommendations, see A/HRC/21/7, paras. 108.67, 108.97-108.114, 108.116-108.118, 108.139, 109.17-109.19, 109.30-109.32 and 109.34.
[83] See CCPR/C/IDN/CO/1, para. 25.
[84] See CRC/C/IDN/CO/3-4, paras. 29 (a) and 30. See also CCPR/C/IDN/CO/1, para. 26.
[85] See CCPR/C/IDN/CO/1, para. 26. See also CRC/C/IDN/CO/3-4, para. 30.
[86] See CRC/C/IDN/CO/3-4, para. 29 (b).
[87] See CCPR/C/IDN/CO/1, para. 17.
[88] See CRC/C/IDN/CO/3-4, paras. 29 (c)-30.
[89] See CCPR/C/IDN/CO/1, para. 27. See also UNESCO submission, para. 92.
[90] See CCPR/C/IDN/CO/1, para. 16.
[91] Ibid., para. 28.
[92] Ibid., para. 24.
[93] Ibid., para. 11. See also E/C.12/IDN/CO/1, para. 14 (c), and CEDAW/C/IDN/CO/6-7, paras. 31-32.
[94] For relevant recommendations, see A/HRC/21/7, paras. 108.76-108.81 and 108.83.
[95] See CRC/C/IDN/CO/3-4, para. 75.
[96] Ibid., para. 75. See also CEDAW/C/IDN/CO/6-7, para. 30 (c).
[97] See CEDAW/C/IDN/CO/6-7, para. 30 (c).
[98] See E/C.12/IDN/CO/1, para. 22.
[99] See CCPR/C/IDN/CO/1, para. 29, CRC/C/IDN/CO/3-4, paras. 35-36, and CEDAW/C/IDN/CO/6-7, paras. 47 (g) and 48 (d).
[100] See CCPR/C/IDN/CO/1, para. 30. See also CRC/C/IDN/CO/3-4, para. 3 (i).
[101] See CEDAW/C/IDN/CO/6-7, paras. 47 (b) and 48 (b). See also CEDAW/C/IDN/CO/6-7, paras. 17-18.
[102] Ibid., para. 47 (e).
[103] See CRC/C/IDN/CO/3-4, para. 21.
[104] For the relevant recommendations, see A/HRC/21/7, para. 108.138.
[105] See E/C.12/IDN/CO/1, para. 14. See also CEDAW/C/IDN/CO/6-7, para. 35.
[106] See E/C.12/IDN/CO/1, para. 16. See also E/C.12/IDN/CO/1, para. 21.
[107] See CEDAW/C/IDN/CO/6-7, para. 37 (a).

[8] See E/C.12/IDN/CO/1, para. 17. See also CEDAW/C/IDN/CO/6-7, para. 38 (a), CRC/C/IDN/CO/3-4, para. 72 (c), and country team submission, p. 7.
[9] See E/C.12/IDN/CO/1, para. 18.
[10] Ibid., para. 19.
[11] Ibid., para. 20.
[12] Ibid., para. 12.
[13] Ibid., para. 21.
[14] For the relevant recommendations, see A/HRC/21/7, para. 108.60.
[15] See E/C.12/IDN/CO/1, para. 31.
[16] Ibid., para. 26.
[17] Ibid., para. 30.
[18] See A/HRC/25/54/Add.1, para. 81.
[19] Ibid., para. 83.
[20] Ibid., para. 81.
[21] For relevant recommendations, see A/HRC/21/7, paras. 108.120-108.124.
[22] See E/C.12/IDN/CO/1, pa. s. 4 (a) and 32.
[23] See CRC/C/IDN/CO/3-4, r ara. 19.
[24] Country team submission, p. 8.
[25] See CEDAW/C/IDN/CO/6-7, para. 41 (b). See also E/C.12/IDN/CO/1, para. 33, and CRC/C/IDN/CO/3-4, para. 47 (b).
[26] See CRC/C/IDN/CO/3-4, para. 47 (a).
[27] Ibid., para. 47 (d).
[28] See E/C.12/IDN/CO/1, para. 34.
[29] See CEDAW/C/IDN/CO/6-7, para. 42 (e).
[30] Country team submission, p. 3.
[31] See CEDAW/C/IDN/CO/6-7, para. 42 (c). See also CRC/C/IDN/CO/3-4, para. 49 (a).
[32] See E/C.12/IDN/CO/1, para. 33.
[33] See CEDAW/C/IDN/CO/6-7, para. 41 (g). See also CRC/C/IDN/CO/3-4, para. 51.
[34] See E/C.12/IDN/CO/1, para. 32.
[35] For relevant recommendations, see A/HRC/21/7, paras. 108.125-108.133.
[36] See CEDAW/C/IDN/CO/6-7, para. 35.
[37] See CRC/C/IDN/CO/3-4, para. 15.
[38] Ibid., para. 59.
[39] See E/C.12/IDN/CO/1, para. 36.
[40] See UNESCO submission, para. 98.
[41] See CRC/C/IDN/CO/3-4, para. 60 (a).
[42] See CEDAW/C/IDN/CO/6-7, paras. 35-36. See also E/C.12/IDN/CO/1, para. 36, and CRC/C/IDN/CO/3-4, paras. 59 (c) and 60 (c).
[43] See CRC/C/IDN/CO/3-4, paras. 59 (d) and 60 (e).
[44] See E/C.12/IDN/CO/1, para. 37.
[45] Ibid., para. 40. See also E/C.12/IDN/CO/1, paras. 4 (d) and 36.
[46] For relevant recommendations, see A/HRC/21/7, paras. 108.64-108.66, 108.72-108.74, 108.92, 109.2, 109.26-109.27.
[47] See CEDAW/C/IDN/CO/6-7, paras. 23-24. See also CRC/C/IDN/CO/3-4, para. 20 (a).
[48] See CEDAW/C/IDN/CO/6-7, para. 25 (b). See also CCPR/C/IDN/CO/1, para. 13.
[49] See CEDAW/C/IDN/CO/6-7, para. 25 (b).
[50] See CRC/C/IDN/CO/3-4, para. 37 (b).
[51] See E/C.12/IDN/CO/1, para. 24 (b).
[52] See CEDAW/C/IDN/CO/6-7, para. 26 (d).
[53] Country team submission, p. 4.
[54] Ibid., p. 7.
[55] Ibid., p. 4.
[56] For relevant recommendations, see A/HRC/21/7, paras. 108.19, 108.28, 108.63, 108.75 and 108.82.
[57] See CRC/C/IDN/CO/3-4, para. 71 (a)-(b) and (d). See also E/C.12/IDN/CO/1, para. 23, and CEDAW/C/IDN/CO/6-7, paras. 37-38.
[58] Country team submission, p. 7.

[139] See CRC/C/IDN/CO/3-4, para. 73.
[140] Ibid., para. 8 (e).
[141] For relevant recommendations, see A/HRC/21/7, paras. 108.134-108.136.
[142] See E/C.12/IDN/CO/1, para. 11. See also CRC/C/IDN/CO/3-4, para. 46 (a).
[143] Country team submission, p. 10.
[144] See CRC/C/IDN/CO/3-4, para. 45 (a)-(b). See also CRC/C/IDN/CO/3-4, paras. 19 (b) and 45 (c).
[145] Country team submission, p. 10.
[146] For relevant recommendations, see A/HRC/21/7, paras. 108.115, 108.140 and 109.36.
[147] See CCPR/C/IDN/CO/1, para. 25.
[148] See CEDAW/C/IDN/CO/6-7, para. 46 (b).
[149] See E/C.12/IDN/CO/1, para. 38.
[150] Ibid., para. 39.
[151] See CRC/C/IDN/CO/3-4, para. 69. See also CRC/C/IDN/CO/3-4, para. 19 (d).
[152] For the relevant recommendation, see A/HRC/21/7, para. 108.137.
[153] UNHCR submission for the universal periodic review of Indonesia, p. 1.
[154] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15960&LangID=E.
[155] Country team submission, p. 11.
[156] UNHCR submission, p. 4.
[157] See CEDAW/C/IDN/CO/6-7, para. 27.
[158] Country team submission, p. 11.
[159] UNHCR submission, p. 6.

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Summary of stakeholders' submissions[1] on Indonesia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 51 stakeholders' submissions[2] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contributions by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Indonesian National Human Rights Commission (*Komnas HAM*) recommended that Indonesia ratify the OP-CAT, the Rome Statute of the International Criminal Court, the International Convention on the Protection of All Persons from Enforced Disappearance and the OP-CRPD.[3]

3. *Komnas HAM* stated that the implementation of the National Human Rights Action Plan was slow, due to lack of regulatory and support mechanisms.[4]

4. *Komnas HAM* stated that the draft Law on terrorism was not in line with human rights standards, due to the inclusion of the death penalty as a punishment option, overly long periods of custody, extrajudicial detention of suspected terrorists for 6 months and of

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the military's role in counter-terrorism.[5] It also stated that the legal process in cases potentially resulting in death sentences did not provide judicial and legal protection as the rights of death row inmates, including to legal aid and interpretation and in relation to allegations of torture were not respected.[6]

5. *Komnas HAM* noted that various forms of torture and cruel and degrading treatment often occurred during police investigations.[7]

6. *Komnas HAM* emphasized that throughout 2012–2016, human rights defenders across the country were under attack in various forms, including murder. It also noted that public anti-LGBT campaigns were increasing, encouraged by anti-LGBT public comments, including by ministry representatives and members of Parliament. It further highlighted that violence continued between religious groups in the form of arson and obstruction of religious observances of religious minorities. Police had been hesitant to interfere in violence between religious communities.[8]

7. *Komnas HAM* stated that forced evictions occurred during infrastructure development projects that in practice often involve the use of violence and excessive force by security bodies, resulting in the loss of shelter, arbitrary arrest, homelessness and non-respect of the right to participate in city planning.[9]

8. *Komnas HAM* recommended that a comprehensive and integrated health study be conducted, including examination of regulations related to the impact of forest and peat-land fires, especially related to vulnerable groups, which will generate data necessary for the full participation in the National Health Insurance and the creation of a comprehensive working plan.[10]

9. *Komnas HAM* noted that accessibility for participation in local elections for persons with disabilities was limited, especially for persons with mental disabilities and those living in remote rural areas. Persons with mental disabilities still experienced difficulties with accessing medicines and health services, due to stigmatization and neglect.[11]

10. *Komnas HAM* stated that very few indigenous communities had been recognized by local governments, that the rights to communal lands had not been restored since the period of colonial rule, and that vast territories belonging to indigenous peoples were claimed as state land. It further highlighted that indigenous community leaders and rights activists faced criminalization while attempting to defend rights to indigenous territories.[12]

11. *Komnas HAM* stated that existing policies had not addressed underlying problems in Papua and West Papua. Various forms of injustice in the field of civil and political rights, as well as economic, social and cultural imbalances required the immediate restoration of the rights of the Papuan people.[13]

12. While noting that many businesses continued to violate human rights, *Komnas HAM* recommended that the Government provide rehabilitation for victims of human rights violations resulting from business activities, and hold corporations responsible through establishing regulations based on existing national human rights instruments.[14]

III. Information provided by other stakeholders

A. Scope of international obligations[15] and cooperation with international human rights mechanisms and bodies[16]

13. Amnesty International (AI) noted that Indonesia supported recommendations to extend a standing invitation to all UN special procedures of the Human Rights Council and specifically accepted to invite and facilitate the visits of the Special Rapporteurs on

adequate housing, health, freedom of expression, the right to food, and the rights of indigenous peoples, as well as the Working Group on Enforced or Involuntary Disappearances and the Independent Expert on minority issues. Since the last UPR, the Special rapporteurs on adequate housing had visited Indonesia.[17]

B. National human rights framework[18]

14. AI noted that in Aceh Province, the Aceh Islamic Criminal Code, which came into effect on 23 October 2015, criminalizes consensual sexual relations and same-sex relations and extends the use of caning as a form of punishment.[19]

15. The Indonesian National Commission on Violence against Women (*Komnas Perempuan*) noted the political commitment to support *Komnas Perempuan* as a national human rights institution. However, this had not yet translated into concrete action by way of allocation of resources, funding and an independent working unit.[20]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[21]

16. Solidaritas Perempuan (SP) highlighted that *Qanun Jinayah* (the Sharia) in the Aceh Province discriminated against women, and violated human rights.[22]

17. Joint Submission 14 (JS14) stated that state protection for the LGBTI community was too weak and the authorities did not actively prevent intolerance and discrimination against them.[23]

Development, environment and business and human rights[24]

18. Joint Submission 17 (JS17) highlighted that land and resources in West Papua were being exploited by destructive large-scale development projects, especially mines, oil and gas projects, logging and palm oil plantations of multi-national and Indonesian timber, mining and gas companies.[25]

19. Joint Submission 32 noted that from February–April 2014, in Riau, 2,398 hectares of biosphere reserves and 21,914 hectares of other land were burned. As a result, 58,000 people suffered from respiratory illness, affecting their right to health, and schools were closed, affecting children's right to education.[26]

20. JS18 noted that large-scale investment projects in West Papua had multiple adverse impacts on the environment.[27] Saniri Alifuru noted that mining activities had caused water contamination, due to mercury and other chemicals, and soil erosion making certain areas unsuitable for future use by indigenous peoples.[28]

21. Joint Submission 25 recommended that the Government pay serious attention to the regulations on business enterprises and human rights in order to prevent non-state actors from perpetrating human rights violations, as well as from criminalization of human rights defenders.[29] Joint Submission 26 recommended that the Government take all necessary and immediate measures to investigate and prosecute any corporations that violate the laws and rights of indigenous Papuans.[30]

Human rights and counter-terrorism

22. Joint Submission 4 (JS4) noted that the Government enacted several repressive acts such as Law No. 15/2003 on Anti-terrorism. The revised Anti-terrorism Law contained hate speech provisions often used to criminalize individuals exercising their right to freedom of opinion and expression.[31]

2. Civil and Political Rights

Right to life, liberty and security of the person[32]

23. Joint Submission 23 noted that the 2015 Draft Bill of Penal Code (RKUHP) contained 26 articles that provide for capital punishment, and covered at least 15 offences, including treason, drug-related crimes, terrorism and corruption.[33] Joint Submission 30 urged the Government to ensure that provisions in the Draft Bill of Penal Code and other regulations must not contain elements that could potentially violate human rights or allow arbitrary action by law enforcement against citizens.[34]

24. AI noted that Indonesia resumed executions in March 2013 after a four year hiatus. Since then, Indonesia had executed 22 individuals. Almost all the executions were related to drug-trafficking offences. AI highlighted the systematic flaws in the administration of justice in Indonesia, which lead to violations of fair trial standards and other international standards that must be strictly observed in particular in all death penalty cases.[35]

25. Joint Submission 9 (JS9) specified that as of 16 September 2016, there were at least 178 people on death row; 105 for drug offences; 71 for murder and 2 for terrorism.[36] JS9 also highlighted that prisoners on death row who had been convicted and sentenced to death for a drug-related offence had been denied access to a meaningful clemency process because Indonesia exercises blanket refusal to consider clemency applications in all drug-related cases.[37]

26. AI noted that Indonesia had yet to implement the supported recommendations to revise the Criminal Code to criminalize torture and that torture was still not defined as a criminal offence in the Criminal Code or other national legislation.[38] Joint Submission 3 (JS3) highlighted that torture was still routinely used to obtain confessions and extract information from detainees during criminal investigations.[39] Asian Legal Resource Centre stated that in the past four years, most torture committed by police officers related to obtaining confessions from suspects in custody.[40] JS3 also emphasized that most political prisoners in Papua experienced torture during their arrest, detention and interrogation.[41]

27. Joint Submission 1 (JS1) expressed deep concern about attacks and intimidation of journalists and the brutal killings and harassment of human rights defenders.[42] Joint Submission 5 highlighted that women human rights defenders faced a particular risk of intimidation and physical violence.[43]

28. JS9 stated that prisoners had been physically assaulted by police officers after arrest and during interrogation, and that prisoners were often tortured in order to obtain a confession.[44]

29. Human Rights Watch (HRW) emphasized that the Government fuelled an unprecedented attack against sexual and gender minorities in early 2016. Anti-LGBT statements by government officials created an environment of social sanction for harassment and violence against LGBT Indonesians that even led to death threats by militant Islamists.[45]

30. Joint Submission 6 (JS6) noted at least five alleged hate killings against transgender women in North Sulawesi between 2012–2016, and that arbitrary arrests and unlawful

searches against LGBT individuals had been widely practiced by law enforcement personnel and public order officers.[46]

31. Christian Solidarity Worldwide (CSW) noted the April 2016 decision to punish an elderly Christian woman and subject her to whipping for selling alcohol.[47] Children under the age of 18 years could also be subjected to caning.[48] JS10 noted that legislation criminalizing same-sex relations in Aceh, a bylaw based on Sharia (Qanun Jinayat), was implemented at the end of 2015 that contains criminal offences such as *liwath* (anal sex between consenting men) or *musahaqah* (tribadism between two consenting women), which will be punished by a maximum of 100 lashes or 1,000 grams of gold fine or 100 months of imprisonment.[49]

Administration of justice, including impunity, and the rule of law[50]

32. JS9 noted that prisoners had been denied the presumption of innocence because the evidence relied upon to support a conviction was flawed and/or there had been a failure to give consideration to exculpatory evidence.[51] JS9 also noted the many instances where prisoners had been denied access to a competent lawyer.[52]

33. Lawyers for Lawyers (L4L) noted that members of law enforcement agencies or investigative bodies regularly subjected Indonesian lawyers to improper interference or attempts to put pressure on them.[53]

34. L4L emphasized that lawyers were victims of threats, intimidation and physical attacks, including by members of law enforcement agencies or investigative bodies.[54] L4L further stated that Indonesian authorities sometimes failed to carry out prompt, thorough, impartial and transparent investigations into such threats and attacks so as to identify those responsible and bring them to justice.[55] *Freedom Now* recommended that Indonesia thoroughly investigate all cases of arbitrary detention, torture and other human rights violations directed against human rights defenders and opposition leaders and provide compensation for such violations.[56] HRW recommended that the Government publicly reaffirm its intent to seek accountability for past gross human rights abuses and disclose a timetable for how the accountability process will proceed.[57]

35. Joint Submission 22 stated that impunity was still firmly entrenched and perpetrators of human rights violations were not brought to legal proceedings.[58] AI expressed concern about the lack of an independent, effective, and impartial oversight mechanism to investigate human rights violations committed by the security forces and to take forward its findings in prosecution.[59] Joint Submission 2 (JS2) noted the Attorney-General Office's refusal to further investigate cases referred to it by *Komnas HAM* following official inquiries in human rights violations that occurred in Aceh.[60]

36. The Foundation IPT 1965 (IPT 1965) noted that none of the organizers, perpetrators or supporters of the crimes committed after 1 October 1965 had been brought to justice and the victims of those crimes faced with continued harassment and deprivation.[61] JS2 also highlighted that given the lack of a policy for vetting security sector personnel linked to serious crimes, including those prosecuted in human rights courts, these individuals continued to serve, receive promotions and sit in elected office.[62]

37. AI highlighted that President Joko Widodo announced the establishment of a non-judicial mechanism, a reconciliation committee. Human rights groups expressed concern that the "reconciliation committee" will compromise Indonesia's obligations under international law to prosecute those responsible for grave human rights violations.[63] JS2 expressed concern that Mr. Wiranto, indicted for several heinous crimes in the past, was appointed Minister of Political, Legal and Security Affairs and announced that the Government would establish a non-judicial mechanism to resolve all past human rights violations.[64]

38. AI noted that in July 2016, the Aceh provincial parliament appointed seven commissioners to the Aceh Truth and Reconciliation Commission expressing concern that to date the central Government had not declared its support of this Commission.[65]

Fundamental freedoms and the right to participate in public and political life[66]

39. HRW stressed that discrimination against religious minorities was deeply entrenched in the state bureaucracy, fuelled by discriminatory laws and regulations, including a blasphemy law that recognizes only six religions, and house of worship decrees that give local majority populations significant leverage over religious minority communities.[67]

40. JS14 stated that a number of regulations and policies that restrict and undermine the right to freedom of religion or belief continued to be maintained.[68] CSW expressed concern about the continuing violations of freedom of religion or belief arising from the 2006 Joint Regulation of the Minister of Religious Affairs and the Minister of Home Affairs No. 8 and 9/2006, on the construction of places of worship, the 2008 Joint Decree of the Minister of Religious Affairs, the Attorney General and the Minister of Home Affairs restricting the activities of the Ahmadiyah community; and the 1965 blasphemy law, set out in Articles 156 and 156 (a) of the Criminal Code and in Presidential Decree No. 1/PNPS/1965.[69]

41. ADF International (ADF) specified that the revised Joint Ministerial Decree on the construction of houses of worship requires applying religious groups to obtain at least 90 signatures from within the groups and 60 signatures in support from members of other religious groups. Further approval is required by the Inter-religious Harmony Forum.[70]

42. ADF emphasized that Indonesia must ensure that Christians and other religious minorities can freely exercise their right to freedom of thought, conscience and religion in their worship, observance, practice and teaching. Indonesia must also protect Christians and other religious minorities from discrimination and persecution.[71]

43. AI expressed concern about Criminal Code provisions that criminalize blasphemy and religious defamation. AI highlighted that a joint ministerial decree, No. 93/2016, which bans the "Millah Abraham" belief adhered to by former members of Gafatar, risks marginalizing this group and further worsening the current atmosphere of intolerance and fear that had led to harassment, intimidation and attacks against members of the Gafatar community.[72] Joint Submission 15 (JS15) recommended that Indonesia repeal blasphemy provisions in Act PNPS/1/1965 and 3 Ministerial Joint Decrees about Gafatar and stop the criminalization of the leaders and/or adherents of Gafatar.[73]

44. JS14 stated that since 2001, Ahmadiyah had frequently been targeted by acts of intolerance, discrimination and violence. Some of their mosques were closed or sealed and subjected to demolition.[74]

45. Joint Submission 24 (JS24) stated that the past 5 years had seen an escalation in anti-Shi'a campaigns across the country. JS24 recommended that the Government protect the Shi'a community, facilitate a permanent resolution to the problem, ensure the community's safety and security, and provide for their economic welfare.[75]

46. Joint Submission 7 stated that the Falun Dafa community had been subjected to discrimination and various restrictions, including the Government's refusal to register the Indonesia Falun Dafa Association.[76]

47. JUBILEE recommended that Indonesia address factors that contribute to a climate of impunity, including its failure to investigate and prosecute crimes against religious minorities, and investigate judicial corruption in which spurious accusations and heavy sentences penalize the victims of violent crimes.[77]

48. JS1 highlighted that Law No.8 (2008) on Electronic Information and Transactions had been used to restrict freedom of expression, criminalize online freedoms and target those who use social media to express concerns about the actions of the Indonesian authorities.[78] Joint Submission 20 recommended that the Government repeal all criminal provisions for acts of defamation under the Electronic Information and Transactions Law and the proposed Bill of Penal Code.[79]

49. JS1 noted approximately 72 cases of violations of the rights to freedom of assembly and expression between 2015 and August 2016, whose prime perpetrators were believed to be law enforcement officers.[80]

Prohibition of all forms of slavery[81]

50. The Indonesian Commission on Child Protection (KPAI) noted that many children became victims of trafficking, prostitution and pornography, and that the State attention to rehabilitation of child victims and restitution were still low.[82]

Right to privacy and family life

51. Joint Submission 13 (JS13) noted the Bill on Personal Data circulated in 2015 and consultations thereon were closed on 31 July 2015. Since then, there had been no action taken by the Government.[83]

52. JS13 noted routine allegations by activists and journalists of covert physical and communications surveillance.[84]

53. JS13 expressed concern that mandatory SIM registration undermines the ability of users to communicate anonymously and disproportionately disadvantages the most marginalized groups.[85]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work [86]

54. JS18 highlighted the fact that limited access to education and the resulting low education standard in West Papua triggered unemployment in these areas where extractive industries are the main employers.[87]

Right to an adequate standard of living [88]

55. Joint Submission 31 (JS31) noted that forced eviction occurred in the context of several development projects such as reservoir, waters normalization, city parks, and road constructions for police facilities.[89]

56. Joint Submission 33 highlighted that the use of violence still dominated the practice of security forces and companies when it comes to dealing with protests or forced evictions. The violence was mostly committed by state security forces (police and military) but also by companies.[90]

57. JS18 noted that in West Papua, the clearing of land had caused the destruction of local communities' staple food sources such as *sago* stocks,[91] highlighting that the conversion of forest areas into palm oil plantations or logging areas had led to numerous cases of eviction, poverty and malnutrition.[92]

Right to health[93]

58. Joint Submission 18 (JS18) emphasized that health services were rare, particularly in rural and coastal areas, islands and the highlands of West Papua. Further, there were such

problems as shortage of medical personnel, mismanagement, poor accountability and a culture of mistrust between indigenous people in West Papua and the Government.[94]

59. JS9 noted that people who inject drugs faced significant barriers in accessing necessary treatment for blood-borne viruses, including inadequate preventive education and prohibitive costs for treatment and testing.[95] JS9 recommended that Indonesia end such compulsory drug treatment and reform mandatory reporting requirements, including putting in place a policy that guarantees the informed consent of a person seeking drug treatment and scaling up treatment options that are based on scientific evidence.[96]

60. Joint Submission 19 (JS19) noted that married women could not legally access contraception without the permission of their husband. Access to contraception by unmarried women remained illegal, and the Penal Code restricted abortion and criminalized women who seek abortion, people who assist women seeking abortion information or services, those who provide information and give advice on abortion services, as well as health service providers who provide abortion services.[97]

61. Joint Submission 10 (JS10) emphasized that the lack of quality comprehensive sexuality education and access to sexual and reproductive health services hampered young people's ability to take decisions about their sexual lives, which negatively impacted their health outcomes and led to a high prevalence of HIV/AIDS, early pregnancies, unsafe abortions, child marriages, and sexual violence and exploitation.[98] JS18 noted that Indonesia was among six countries which have not been able to ensure access to anti-retroviral treatment (ARV) for the HIV/AIDS affected population.[99]

Right to education[100]

62. JS18 expressed concern about the lack of a specific curriculum adapted to the culture in West Papua, inadequate academic competences, lack of understanding towards Papuan culture amongst teachers and the uneven distribution of teachers between the cities, the coastal regions, the interior and isolated areas.[101]

4. Rights of specific persons or groups

Women[102]

63. *Komnas Perempuan* noted: increasing sexual violence; criminalization of women through the implementation of Law no. 23/2004 on the Elimination of Domestic Violence; vulnerability of women caused by unregistered marriages; and state legalization of child marriage.[103]

64. HRW noted that the Government subjected female applicants for Indonesia's National Police and all branches of the military to discriminatory and degrading "virginity tests", which is a form of gender-based violence and a widely discredited practice.[104]

65. *Komnas Perempuan* noted that gender-based violence was occurring against women from indigenous communities.[105]

66. HRW highlighted that millions of Indonesian women worked abroad as domestic workers and risked serious abuses, including non-payment or delayed wages, excessive work and a lack of rest and physical or sexual abuse at the hands of their employers.[106]

67. HRW noted the local laws compelling women and girls to wear the hijab or headscarf in schools, government offices and public spaces while recommending repeal of such discriminatory local regulations that violate women's rights.[107]

68. *Komnas Perempuan* highlighted that forced evictions removed women from their homes, and could result in increasing violence against women, loss of livelihood, removal

from social circles and from access to public services and uncertainty over land tenure and control.[108]

Children[109]

69. KPAI highlighted that the street children phenomenon was a chronic problem, caused by poverty, charity mentality, family disharmony and the bad atmosphere that impacts on family bond.[110]

70. JS10 noted that child victims of sexual abuse received treatment too late or were ill-treated, because of stigma, which has aggravated their condition. Child victims of violence suffered from multi-layered impacts such as unwanted pregnancies, sexually transmitted diseases, decreased performance in school, bullying and expulsion from school or their communities.[111]

71. JS10 noted a steady increase in marriage among girls aged between 16 and 17 years. JS10 also highlighted that child marriage and education levels were interlinked as poverty makes girls more vulnerable to child marriage. Child, early and forced marriage could result in early pregnancy causing physical and mental health issues such as complications during childbirth, and dropping out of school.[112]

72. HRW highlighted that thousands of children were working in hazardous conditions on tobacco farms. Child tobacco workers were exposed to nicotine, handled toxic chemicals, used sharp tools, lifted heavy loads, and worked in extreme heat.[113]

73. Global Detention Project (GDP) noted that children could be detained under Indonesian immigration law and hundreds of children were detained every year, including unaccompanied children, who were often detained with unrelated adults.[114]

Persons with disabilities[115]

74. Joint Submission 16 (JS16) noted that there was no civil society involvement in drafting the Disability Action Plan, now merged into the National Action Plan of Human Rights, which does not confirm the existence of an independent body to monitor and supervise its implementation.[116]

75. JS16 stated that perpetrators of sexual violence against persons with disabilities were often not brought to justice, mainly due to the weak protection system.[117]

76. JS16 noted that, under a number of laws, including the Private Law and the Mental Health Law, persons with psychosocial disabilities were considered legally incompetent, which violated the rights of persons with disabilities as victims, witnesses or suspects.[118]

77. JS16 stated that political participation of persons with disabilities was poor, due to lack of data collection, as well as that of the accessible and inclusive voting process, including voter registration.[119] JS16 also noted that there were many cases of women with psychosocial and mental disabilities experiencing serious violations of their right to reproductive health, including forced sterilization.[120]

78. JS16 noted that the government support provided to children with cerebral palsy was not adequate, including lack of health facilities to care for the needs of these children.[121]

79. JS16 recommended that the Government include persons with disabilities in the health and social security scheme; provide physical and non-physical accessible accommodation and proper infrastructures in health service facilities; and ensure that persons with disabilities participate in "the Stop Shackling Movement 2017", and that all actions therein are implemented on the ground.[122]

80. JS16 stated that students with disabilities enrolled in inclusive education schools continued to be marginalized and labelled as the "inclusive kids". JS16 also noted that education facilities and infrastructure such as physical accessibility in school or tools and medium for teaching and learning activities were not yet available.[123]

Minorities and indigenous peoples[124]

81. JS14 stated that the Government had failed to take the measures necessary to prevent discrimination of minorities. Discriminatory policies were upheld and members of minority groups were restricted not only in the establishment of houses of worship but also in access to the civil registration services, social services and educational opportunities.[125]

82. AMAN noted that the Government stance on the rights of indigenous peoples was contrary to Constitutional Court decision No. 35/PUU-X/2012, which affirms the constitutional rights of indigenous peoples to their lands and territories, including their collective rights over customary forests.[126] Unrepresented Nations and Peoples Organization recommended that the Government stop land-grabbing practices which deprive indigenous peoples of their means of subsistence and engage regional ethnic communities affected by resource extraction under the principles of free, prior and informed consent.[127]

83. Saniri Alifuru noted that the protection of the rights of indigenous peoples were not reflected in the legislation that should be in line with international law and respect and protect the rights of indigenous peoples, especially the right to their natural resources as reflected in Article 26 of the UN Declaration on the Rights of Indigenous Peoples.[128]

84. Saniri Alifuru highlighted that the Indonesian Ministry for Forestry and Environment had granted the 250 hectares encompassing Gunung Botak to a mining company, Freeport-McMoRan Inc., which had also removed indigenous peoples living there.[129]

85. JS18 recommended that Indonesia urge all companies to respect the decision of the Constitutional Court (35/PUU-X/2012 on the recognition of customary forest) and reinforce recognition of all indigenous peoples in Indonesia. JS18 also recommended that Indonesia urge all companies operating in West Papua to respect the principle of free, prior and informed consent.[130]

86. Saniri Alifuru highlighted that the Government's education policies were not culturally appropriate as they focused on educating the young indigenous generation to conform to the social norms of the Indonesian society while the Alifuru interests were discouraged and any indigenous practice was prevented from being considered in such education policies.[131]

87. JS18 recommended that Indonesia recognize, respect and appreciate indigenous Papuan's culture, including customs and customary law in the implementation of development policies and public life in West Papua, and that Indonesia acknowledge the importance of local culture by integrating all elements of Papuan culture as an integral part in the education system.[132]

Migrants, refugees and asylum seekers and internally displaced persons[133]

88. GDP noted that nearly 6,000 refugees and asylum seekers were detained in Indonesia in 2014. GDP also noted that despite some procedural safeguards under Indonesian laws and regulations, concern was expressed about whether many of these safeguards are provided in practice, especially in cases where detention appears to be employed without an adequate legal basis.[134]

89. GDP also highlighted that overcrowding in detention centres was a recurrent complaint. In some detention centres, migrants could freely move about while in others detainees remained locked up in cells. In this regard, GDP recommended that Indonesia ensure that conditions of administrative detention meet international standards for the treatment of persons deprived of liberty.[137]

5. Specific regions or territories

90. JS8 noted that between 2012 and 2016, security force perpetrators of extra-judicial killings, torture and arbitrary arrests enjoyed impunity as part of a widespread culture of impunity.[138]

91. JS17 stated that there was no freedom of expression in West Papua. West Papuans were being jailed, tortured and killed for peacefully expressing their political opinion and desire for self-determination.[139] Joint Submission 12 (JS12-PIANGO) recommended that Indonesia provide a timeline towards self-determination for West Papua and have the process start immediately and completed by no later than the end of 2020.[138]

92. Joint Submission 28 recommended that the Government immediately halt the security approach to maintaining peace in Papua, and conduct comprehensive and constructive dialogues between the Government and the Papuan people.[139]

93. JS12-PIANGO stated that Indonesia must stop taking away lives, security and liberty of West Papuans. Indonesia should also investigate fully all human rights abuses and bring perpetrators to justice in accordance with the due process of law.[140]

94. AI highlighted that the authorities continued to use legislation to criminalize peaceful political activities, particularly in areas where there is a history of pro-independence movements such as Maluku and Papua.[141] JS11 highlighted that Article 106 of the Criminal Code, *makar* (treason) was being used to arrest and detain West Papuan civil society actors for peaceful protests.[142]

95. AI stated that in Papua, it continued to receive credible reports of unlawful killings and unnecessary or excessive use of force and firearms by the police and military personnel during peaceful pro-independence protests and gatherings. The Government failed to distinguish between violent armed groups and peaceful activists. AI further highlighted that political activist and others accused of links to pro-independence groups had been tortured or otherwise ill-treated during arrest and detention.[143]

96. JS12-PIANGO emphasized that Indonesia should stop forcing the indigenous minorities of West Papua who seek self-determination to disappear, and that Indonesia should investigate all acts of enforced disappearance and bring the perpetrators to justice.[144]

97. Joint Submission 8 (JS8) stated that in West Papua, police officers unlawfully arrested, detained, and tortured protestors and initiated criminal charges against those who had been suspected of having organized protests.[145] JS8 further highlighted that arrests, torture, maltreatment and imprisonment remained police forces' frequent response to political mass demonstrations in West Papua.[146] Joint Submission 11 (JS11) expressed similar concerns especially highlighting that 2013 saw the number of arbitrary arrest reaching 548. JS11 also noted that in 2015, at least 1,083 people were arbitrarily arrested.[147]

98. JS11 noted that waving and possessing the Morning Star Flag, a symbol of West Papuan nationalism and cultural unity, continued to be used as a basis for arrest, interrogation and intimidation.[148]

99. JS8 emphasized that human rights defenders in West Papua were subjected to various measures aimed at obstructing their work, including surveillance, criminalization, treason-related stigmatization, and threats to their physical integrity.[149]

Notes

[1] Prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21.

[2] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. One asterisk denotes a national human rights institution with "A" status.

Civil society

Individual submissions:

ADF	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom);
AMAN	Aliansi Masyarakat Adat Nusantara, Jakarta (Indonesia);
ALRC	Asian Legal Resource Centre, Hong Kong (China);
CSW	Christian Solidarity Worldwide, New Malden (United Kingdom);
Freedom Now	Freedom Now, Washington D.C. (United States of America);
GDF	Global Detention Project, Geneva (Switzerland);
HRW	Human Rights Watch, New York (United States of America);
IPT1965	Foundation International People's Tribunal 1965 Crimes against Humanity in Indonesia, Jakarta (Indonesia);
JUBILEE	JUBILEE, Fairfax, VA (United States of America);
L4L	Lawyers for Lawyers, Amsterdam (Netherlands);
Saniri Alifuru	Saniri Alifuru, Ambon (Indonesia);
SP	Solidaritas Perempuan, Jakarta (Indonesia).

Joint submissions:

JS1	**Joint submission 1 submitted by:** CIVICUS: World Alliance for Citizen Participation, Johannesburg (South Africa); Legal Aid Institute for the Press, ICJR, ELSAM, YAPPIKA and AJI;
JS2	**Joint submission 2 submitted by:** The Commission for the Disappeared and Victims of Violence (KontraS), Jakarta (Indonesia) and Asia Justice and Rights (AJAR), Jakarta (Indonesia);
JS3	**Joint submission 3 submitted by:** The Commission for the Disappeared and Victims of Violence (KontraS), Jakarta (Indonesia) and Asia Justice and Rights (AJAR), Jakarta (Indonesia);
JS4	**Joint submission 4 submitted by:** The Commission for the Disappeared and Victims of Violence (KontraS), Jakarta (Indonesia) and Democracy Education Association (P2D), Jakarta (Indonesia);
JS5	**Joint submission 5 submitted by:** Coalition for Enforcement of Law and Human Rights in Papua (ELSHAM PAPUA; KPKC Sinode GKI Di Tanah Papua; The Harapan Ibu Papua Foundation (YHI-P, Jayapura); The GKI Women Empowerment and Development Center (P3W GKI); Hummi Inane Foundation; Belantara Papua Foundation; Papuan Peoples Network (JERAT-Papua); and Women Advocacy Organization (El_adpper)), (Indonesia);
JS6	**Joint submission 6 submitted by:** The LGBTIQ Forum of Indonesia, Jakarta (Indonesia);
JS7	**Joint submission 7 submitted by:** The Foundation of Legal Aids Institutions (YLBHI), Jakarta Legal Aid Institution, Human Rights Working Group (HRWG), and Perhimpunan Bantuan Hukum Indonesia (PBHI), Jakarta (Indonesia);
JS8	**Joint submission 8 submitted by:** Coalition for Enforcement of Law and Human Rights in Papua (ELSHAM PAPUA; KPKC Sinode GKI Di Tanah Papua; KPKC Sinode Kingmi

	Papua; SKPKC Franciscans Papua; Perkumpulan Jubi; Aliansi Demokrasi untuk Papua (AIDP); Lembaga Penelitian, Pengkajian dan Pengembangan Bantuan Hukum (LP3BH); and Lembaga Bantuan Hukum (LBH) Papua)), (Indonesia);
JS9	**Joint submission 9 submitted by:** LBH Masyarakat, Jakarta (Indonesia); Reprieve, London (United Kingdom of Great Britain and Northern Ireland); and International Centre on Human Rights and Drug Policy, Essex (United Kingdom of Great Britain and Northern Ireland);
JS10	**Joint submission 10 submitted by:** Rutgers WPF Indonesia (Indonesia); Ardhanary Institute (Indonesia); Yayasan Pulih (Indonesia); Suara Kita (Indonesia); Aliansi Remaja Independen (Indonesia); Perempuan Mahardhika (Indonesia); GWL-INA; and Sexual Rights Initiative (SRI);
JS11	**Joint submission 11 submitted by:** TAPOL (Indonesia); and BUK (Indonesia);
JS12-PIANGO	**Joint submission 12 submitted by:** Pacific Islands Association of Non-Governmental Organizations (PIANGO), Suva (Fiji);
JS13	**Joint submission 13 submitted by:** Institute for Policy Research and Advocacy (ELSAM), Jakarta (Indonesia) and Privacy International, London (United Kingdom of Great Britain and Northern Ireland);
JS14	**Joint submission 14 submitted by:** The Commission for the Disappeared and Victims of Violence (KontraS), Jakarta (Indonesia) and Democracy Education Association (P2D), Jakarta (Indonesia);
JS15	**Joint submission 15 submitted by:** Millah Abraham/ex-Gerakan Fajar Nusantara (GAFATAR) and SETARA Institute for Democracy and Peace (Indonesia);
JS16	**Joint submission 16 submitted by:** Indonesian Disability Persons Organizations (DPOs) (Indonesia);
JS17	**Joint submission 17 submitted by:** Dewan Adat Papua (Papuan Customary Council); Tapol Napol Papua (Papuan Political Prisoners); and PASIFIKA;
JS18	**Joint submission 18 submitted by:** The Papuan Peoples Network (JERAT PAPUA); The Teratai Hati Foundation (YAYASAN TERATAI HATI PAPUA); The Harapan Ibu Foundation (YAYASAN HARAPAN IBU); and The Belantara Foundation (YAYASAN BELANTARA);
JS19	**Joint submission 19 submitted by:** Indonesian Civil Society Coalition on sexual rights and reproductive rights (Indonesia);
JS20	**Joint submission 20 submitted by:** CIVICUS; Legal Aid Center for the Press (LBH Pers); the Institute for Policy Research and Advocacy (ELSAM); the Institute for Criminal Justice Reform (ICJR); the Peoples Participation Initiative; Partnerships Strengthening Foundation (YAPPIKA); and the Indonesian Alliance of Independent Journalists (AJI Indonesia) (Indonesia);
JS21	**Joint submission 21 submitted by:** The Commission of Justice, Peace and Integrity of Creation of Franciscans Papua (SKPKC Franciscans Papua); The Commissions of Justice and Peace of the Catholic Dioceses of Merauke (SKP Merauke); Timika (SKP Timika); Agats (SKP Agats) and Sorong (SKP Sorong); VIVAT Indonesia; VIVAT International; and Franciscans International;

JS22 **Joint submission 22 submitted by:** NGO Coalition for International Human Rights Advocacy (Human Rights Working Group, HRWG), (Indonesia);

JS23 **Joint submission 23 submitted by:** Seven Civil Society Organizations (Indonesia);

JS24 **Joint submission 24 submitted by:** Human Rights Working Group (HRWG); Setara Institute for Democracy and Peace; Banda Aceh Legal Aid Institute (LBH Banda Aceh); the Institute for Islamic and Social Studies (LKIS) Yogyakarta; the Indonesian Legal Aid Foundation (YLBHI); and Solidaritas Perempuan (Women's Solidarity for Human Rights); Association of Journalists for Diversity (SEJUK); Association of Asian Muslim Network (AMAN) Indonesia; and CMARs (Center for Marginalized Communities Studies) (Indonesia);

JS25 **Joint submission 25 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia) and Mining Advocacy Network (JATAM), Jakarta (Indonesia);

JS26 **Joint submission 26 submitted by:** *Papua Itu Kita* (We are Papua);

JS27 **Joint submission 27 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia); Democracy Education Association (P2D), Jakarta (Indonesia); and The Indonesian Center for Law and Policy Studies (PSHK), Jakarta (Indonesia);

JS28 **Joint submission 28 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia); and Papua Resource Centre;

JS29 **Joint submission 29 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia); International Federation for Human Rights (FIDH), Paris (France); and Center of Human Rights Law Studies (HRLS), Surabaya (Indonesia);

JS30 **Joint submission 30 submitted by:** TBC, (Indonesia);

JS31 **Joint submission 31 submitted by:** The Commission for the Disappeared and Victims of Violence (Kontras), Jakarta (Indonesia); and Consortium of Agricultural Reform (KPA), Jakarta (Indonesia);

JS32 **Joint submission 32 submitted by:** WALHI (Friends of the Earth Indonesia), Franciscans International, the Mining Advocacy Network (Jatam), Jakarta Legal Aid Foundation (LBH Jakarta), the Agrarian Reform Consortium (KPA), Indonesian Legal Aid Foundation (YLBHI), and Women's Solidarity for Human Rights (Solidaritas Perempuan), (Indonesia);

JS33 **Joint submission 33 submitted by:** Watch Indonesia! e.V.; West Papua Network (WPN), and World Organization against Torture (OMCT), Geneva (Switzerland);

JS34 **Joint submission 34 submitted by:** SETARA Institute for Democracy and Peace, The Foundation of Legal Aid Institutions (YLBHI), Human Rights Working Group (HRWG) (Indonesia);

JS35 **Joint submission 35 submitted by:** Aras Pelangi, Kontras (Commission Disappearances and Victim of Violence); National Legal Aid Reform Consortium (KRHN); Legal Aid

Foundation for the Press (LBH Pers); Protection Desk Indonesia (Yayasan Perlindungan Insani Indonesia); Human Rights Working Group (HRWG); Indonesian Forum for the Environment (Walhi); Mining Advocacy Network (Jatam); Association for Community and Ecological Based Law Reform (HuMA); Imparsial, Greater Bogor Legal Aid Foundation (LBH KBR); Linkar Borneo, Indonesian Legal Aid Foundation (YLBHI); Indonesia Legal Aid and Human Rights Association (PBHI); Semarang Legal Aid Foundation (LBH Semarang); Yogyakarta Legal Aid Foundation (LBH Yogyakarta); National Network for Domestic Workers Advocacy (JALA PRT); the Association of Journalists for Diversity (Sejuk); and the Setara Institute (Indonesia).

National human rights institution(s):

Komnas HAM	Indonesian National Human Rights Commission*, Jakarta (Indonesia);
Komnas Perempuan	Indonesian National Commission on Violence against Women, Jakarta (Indonesia);
KPAI	Indonesian Commission on Child Protection, Jakarta (Indonesia).

[3] Komnas HAM, para. 31.
[4] Komnas HAM, para. 33.
[5] Komnas HAM, para. 40.
[6] Komnas HAM, para. 2.
[7] Komnas HAM, para. 3.
[8] Komnas HAM, paras. 16, 19 and 28.
[9] Komnas HAM, para. 46.
[10] Komnas HAM, para. 56.
[11] Komnas HAM, para. 25.
[12] Komnas HAM, para. 22.
[13] Komnas HAM, para. 49.
[14] Komnas HAM, para. 53.
[15] The following abbreviations are used in UPR documents:
[16] For relevant recommendations see A/HRC/21/7, paras. 108.1, 108.2, 108.3, 108.4, 108.5, 108.6, 108.7, 108.8, 108.9, 108.11, 108.12, 108.13, 108.14, 108.15, 108.16, 108.17, 108.20, 108.21, 108.22, 108.23, 108.24, 108.25, 108.51, 108.52, 108.53, 108.54, 108.55, 108.56, 108.57, 108.58, 109.1, 109.4, 109.6, 109.8, 109.9, 109.10, 109.11, 109.12, 109.13, 109.14, 109.15, and 109.16.
[17] AI, p. 1.
[18] For relevant recommendations see A/HRC/21/7, paras. 108.18, 108.30, 108.31, 108.32, 108.33, 108.34, 108.35, 108.37, 108.38, 108.39, 108.40, 108.42, 108.43, 108.44, 108.45, 108.46, 108.47, 108.48, 108.49, 108.50, 108.61, 108.84, 108.85, 108.86, 108.87, and 109.20.
[19] AI, p. 2.
[20] *Komnas Perempuan*, para. 4.
[21] For relevant recommendations see A/HRC/21/7, paras. 108.68, and 109.20.
[22] SP, pp. 6 – 7.
[23] JS14, para. 42.
[24] For relevant recommendations see A/HRC/21/7, paras. 108.141, 108.142, 108.143, and 108.144.
[25] JS17, p. 13.
[26] JS32, para. 8.
[27] JS18, para. 38.
[28] Saniri Alifuru, p. 4.
[29] JS25, p. 7.
[30] JS26, para. 47.
[31] JS4, para. 21. See also JS30, p. 7.
[32] For relevant recommendations see A/HRC/21/7, paras.: 108.26; 108.27; 108.28; 108.29; 108.69; 108.70; 108.71; 109.21; 109.22; 109.23; 109.33; and 109.35.

[33] JS23, para. 3. See also JS29, paras. 9–12., and JS30, p. 1.
[34] JS30, p. 1.
[35] AI, p. 7. See also JS9, para. 1.
[36] JS9, para. 7.
[37] JS9, para. 14.
[38] AI, p. 1.
[39] JS3, para. 6.
[40] ALRC, para. 1.
[41] JS3, para. 32.
[42] JS1, para. 1.9. See also JS27, para. 18.
[43] JS5, para. 12.
[44] JS9, paras. 21 and 23.
[45] HRW, p. 6.
[46] JS6, paras. 14–15.
[47] CSW, para. 11.
[48] SP, pp. 3–4.
[49] JS10, para. 18.
[50] For relevant recommendations see A/HRC/21/7, paras.: 108.12; 108 88; 108.89; 108.90; 108.91; 108.94; 108.95; 108.96; 108.119; 109.3; 109.5; 109.24; 109.25; and 109.29.
[51] JS9, para. 32.
[52] JS9, para. 35.
[53] L4L, para. 8. See also Freedom Now, p. 6.
[54] L4L, para. 9.
[55] L4L, para. 10.
[56] *Freedom Now*, p. 6. See also JS35, Recs. No. 11.
[57] HRW, p. 2.
[58] JS22, para. 12.
[59] AI, p. 2.
[60] JS2, para. 14.
[61] IPT 1965, paras 4 and 16.
[62] JS2, para. 10.
[63] AI, p. 3.
[64] JS2, para. 11.
[65] AI, p. 3.
[66] For relevant recommendations see A/HRC/21/7, paras.: 108.67; 108.97; 108.98; 108.99; 108.100; 108.101; 108.102; 108.103; 108.104; 108.105; 108.106; 108.107; 108.108; 108.109; 108.110; 108.111; 108.112; 108.113; 108.114; 108.116; 108.117; 108.118; 108.139; 109.17; 109.18; 109.19; 109.30; 109.31; 109.32; and 109.34.
[67] HRW, p. 2.
[68] JS14, para. 6.
[69] CSW, para. 5.
[70] ADF, paras. 12–13. See also JS14, paras. 7 and 13–35, and JS15, para. 3.
[71] ADF, para. 20.
[72] AI, p. 5. See also JS14, paras. 11–12, and JS34, paras. 6–26.
[73] JS15, para. 13.b. See also CSW, para. 19.
[74] JS14, para. 30. See also CSW, para. 16.
[75] JS24, paras. 24–26.
[76] JS7, para. 4.
[77] Jubilee, p. 4.
[78] JS1, para. 2.3.
[79] JS20, para. 3.6.
[80] JS1, para. 4.2.
[81] For relevant recommendations see A/HRC/21/7, paras.: 108.76; 108.77; 108.78; 108.79108.80; 108.81; and 108.83.
[82] KPAI, p.2.
[83] JS13, paras. 33–34.

[84] JS13, para. 16.
[85] JS13, para. 30.
[86] For relevant recommendations see A/HRC/21/7, para. 108.138.
[87] JS18, para. 20.
[88] For relevant recommendations see A/HRC/21/7, para. 108.60.
[89] JS31, pp.4 and 6.
[90] JS33, para. 15.
[91] JS18, para. 25.
[92] JS18, para. 38.
[93] For relevant recommendations see A/HRC/21/7, paras. 108.120; 108.121; 108.122; 108.123; and 108.124.
[94] JS18, para. 7.
[95] JS9, para. 5.
[96] JS9, para. 51 (iv).
[97] JS19, paras. 10 and 15.
[98] JS10, para. 2.
[99] JS18, para. 10.
[100] For relevant recommendations see A/HRC/21/7, paras.: 108.125; 108.126; 108.127; 108.128; 108.129; 108.130; 108.131; 108.132; and 108.133.
[101] JS18, para. 18.
[102] For relevant recommendations see A/HRC/21/7, paras.: 108.64; 108.65; 108.66; 108.72; 108.73; 108.74; 108.92; 109.2; 109.26; and 109.27.
[103] Komnas Perempuan, para. 6.
[104] HRW, p. 4.
[105] Komnas Perempuan, para. 10.
[106] HRW, p. 5.
[107] HRW, p. 5.
[108] Komnas Perempuan, para. 9.
[109] For relevant recommendations see A/HRC/21/7, paras.: 108.19; 108.28; 108.63; 108.75; and 108.82.
[110] KPAI, p. 2.
[111] JS10, para. 39.
[112] JS10, para. 41.
[113] HRW, p. 3.
[114] GDP, para. 6. See also HRW, p. 4.
[115] For relevant recommendations see A/HRC/21/7, paras.: 108.134; 108.135; and 108.136.
[116] JS16, para. 4.
[117] JS16, para. 12.
[118] JS16, paras. 40–49.
[119] JS16, paras. 17–18.
[120] JS16, para. 9.
[121] JS16, paras. 15–16.
[122] JS16, para. 35.
[123] JS16, para. 21.
[124] For relevant recommendations see A/HRC/21/7, paras.: 108.115; 108.140; and 109.36.
[125] JS14, para. 37.
[126] AMAN, para. 4.
[127] UNPO, p. 6.
[128] Saniri Alifuru, p. 3.
[129] Saniri Alifuru, p. 4.
[130] JS18, para. 33.
[131] Saniri Alifuru, p. 5.
[132] JS18, para. 30.
[133] For relevant recommendations see A/HRC/21/7, para. 108.137.
[134] GDP, paras. 3 and 5.
[135] GDP, paras. 8–9.
[136] JS8, para. 36.

[137] JS17, p. 1.
[138] JS12-PIANGO, para. 4.
[139] JS28, p. 8.
[140] JS12-PIANGO, para. 6.
[141] AI, p. 4.
[142] JS11, para. 29.
[143] AI, p.5. See also JS12-PIANGO, para. 10., and JS21, paras. 12–17.
[144] JS12-PIANGO, para. 12.
[145] JS8, para. 12.
[146] JS8, para. 19.
[147] JS11, paras. 10–11.
[148] JS11, para. 16.
[149] JS8, para. 27.